

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**EMPLOYERS AND OPERATING ENGINEERS  
LOCAL 520 PENSION FUND, et al.,**

**Plaintiffs,**

**v.**

**EHRET, INC.,**

**Defendant.**

**Case No. 11-cv-484-DRH**

**ORDER**

**HERNDON, Chief Judge:**

Before the Court is plaintiffs' dismissal without prejudice (Doc. 4). As defendant has not yet filed an answer or a motion for summary judgment, see FED. R. CIV. P. 41(a)(1)(A)(i), the Court hereby acknowledges the dismissal and finds that all of plaintiffs' claims plead in the complaint against defendant are dismissed without prejudice, each party to bear their own fees and costs. The Clerk is instructed to close the file.

**IT IS SO ORDERED.**

Signed this 19th day of August, 2011.

*David R. Herndon*

David R. Herndon

2011.08.19

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**Chief Judge  
United States District Court**